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*August 22, 06*

TOWNSEND and TOWNSEND and CREW LLP

By: \_\_\_\_\_

*[Signature]*

PATENT

Attorney Docket No.: 015270-006460US

Client Ref. No.: 228-US-NEW4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Varghese John et al.

Application No.: 09/730,329

Filed: December 4, 2000

For: BETA-SECRETASE ENZYME  
COMPOSITIONS AND METHODS

Customer No.: 20350

Confirmation No.

Examiner: C. Kam

Technology Center/Art Unit: 1653

Petition to waive the rules under 37 CFR  
1.183

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request waiver of the requirement of 37 CFR 1.125(c) requiring that a substitute specification be submitted with markings showing all changes relative to the immediate prior version of the specification of record.

Brief statement of facts

Applicants have previously filed a first substitute specification (with appropriate mark-up) and two extensive amendments to the specification. The Examiner has objected to the various amendments as introducing new matter. Following a discussion with the Examiner, applicants now propose to cancel all previously filed amendments and revert to the specification as filed. Applicants have thus submitted the originally filed specification as a second substitute

specification. However, applicants have not provided a mark-up relative to the immediate prior version of record.

Discussion

Applicants request a waiver of 37 CFR 1.125(c) requiring that a substitute specification be submitted with markings showing all changes relative to the immediate prior version of the specification of record because in the present case providing such a mark-up would be time consuming, prone to error and most importantly, serve no useful purpose. Such a mark-up would serve no useful purpose because the substitute specification is identical to the specification as filed. Comparison of the substitute specification with the specification as filed readily shows that no new matter has been added. Providing a mark-up would be time consuming and prone to error due to the extensive revisions to the specification previously made on three separate occasions.

Given the particular facts and circumstances of this case, applicants respectfully submit that requiring submission of a mark-up of the substitute specification relative to the immediately filed specification of record elevates form over substance for no useful purpose in this case, and should be waived.

Please charge the fee for this petition to deposit account 20-1430.

Respectfully submitted,



Joe Liebeschuetz  
Reg. No. 37,505

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